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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09 756,597	01 05 2001	Prodromos Pericles Stephanos	STEP-00-001	4758

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EXAMINER

TOOMER, CEPHIA D

ART UNIT	PAPER NUMBER
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1714

12

DATE MAILED: 09 17 2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/756,597

Applicant(s)

STEPHANOS. PRODROMOS  
PERICIES

Examiner

Cephia D. Toomer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

For claims for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Interview Summary (PTO-413) Paper or Electronic
4. ☐ Interview Summary (PTO-413) Paper or Electronic
5. ☐ Notice of Informal Patent Application (PTO-152)

### DETAILED ACTION

This Office action is in response to the amendment filed July 2, 2002 in which claims 1, 16, 19 and 21 were amended.

The objection to the specification is withdrawn in view of the amendment to the specification and Applicant's remarks.

The rejection of the claims under 35 USC 112, second paragraph is withdrawn in view of the amendment to the claims.

### ***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Applicant's arguments filed have been fully considered but they are not persuasive.
3. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkins (US 5,252,107) in view of Wesley (US 5,773,706).

Applicant argues that the present invention is an emulsion wherein the thickener stabilizes the emulsion and prevents the lighter fluid composition from penetrating the charcoal. Applicant argues that Wilkins is not an emulsion and that Wilkins presoaks the charcoal with the lighter fluid.

Wilkins differs from the claims in that he does not teach the use of the thickener. However, Wilkins does teach the remaining components. He teaches that the

single phase, homogenous fluid. While Applicant's composition may not immediately penetrate the charcoal, at the some point it would penetrate the charcoal. Applicant argues that the composition of Wilkins imparts unwanted hydrocarbon taste to the food; however, Wilkins does not specifically require a hydrocarbon.

Applicant argues that Wesley fails to teach or suggest that the cross-linked polyacrylic acid stabilizes and thickens the emulsion to prevent the fluid from penetrating the charcoal.

Wesley teaches that the cross linked compounds are used to gel or thicken organic fuels. Such fuels include alcohol and alkenes. Wilkins, as well as the present invention, may contain major amounts of alcohol and terpene. Wesley also teaches that cross linked compounds may be used to thicken charcoal lighter fluids. These teachings suggest what Applicant has done.

Applicant argues that the alcohols taught by Wilkins are not homologs of methanol and ethanol. The examiner respectfully disagrees. Wilkins teaches that the alcohols may have from 3-10 carbon atoms. Propanol (C<sub>3</sub> alcohol) is a homolog of methanol and ethanol.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cephia D. Toomer whose telephone number is 703-308-2509. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 703-306-2777. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9310 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Cephia D. Toomer  
Primary Examiner  
Art Unit 1714